

REMARKS

Reconsideration of all grounds of rejection, and allowance of all the pending claims are respectfully requested in light of the above-amendments and the following remarks. Claims 1-20, as amended, remain pending herein.

Claims 1-20 stand rejected under 35 U.S.C. §102(c) over Haub *et al.* (U.S. 6,944,427) ("hereafter "Haub"). Applicant respectfully traverses this ground of rejection for the reasons indicated herein below.

Claims 1 has been amended to recite in part:

enabling (250) a wide mode of a wide-notch filter (130)  
having a predetermined wide mode and a normal mode,  
said wide mode having a wider frequency range than said  
normal mode, to attenuate for attenuating signal  
components of the one or more baseband signals within  
the predetermined wide mode notch width frequency  
range of the wide-notch filter (130), based on the  
occurrence of the intermodulation distortion.

Support for the above is clearly shown both in FIG. 2, steps 210-280, as well as page 4, lines 5-18. Apparatus claim 10 has been amended a similar fashion in apparatus form.

Applicant respectfully submits that none of the present claims are anticipated by Haub. Haub, at best, discloses that analog to digital converters (ADC) 322, 325 pass received signal strength indication (RSSI1) and RSSI2 for linearly adjusting of gain stage 310 and mixer 318 (col. 6, line 62, to col. 7, line 19). Haub is completely silent with regard to a wide-notch filter having a normal mode and a wide mode, wherein the wide mode is enabled based on the occurrence of intermodulation distortion, as recited in

present claims 1 and 10. Furthermore, Haub discloses controlling the gain stage 310 in response to the RSSI passing through the ADC, and is completely silent with regard to enabling modes of filters, as recited in the present claims.

In contrast, as recited in present claims 1 and 10, the wide-notch filter comprises a normal mode (to remove a DC component) and a wide mode to filter intermodulation distortion.

Accordingly, Haub fails to disclose all the elements recited in claims 1 and 10.

In accordance with MPEP 2131, under 35 U.S.C. §102, according to the United States Court of Appeals for the Federal Circuit, a “claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference” (*Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987) (emphasis added)). Therefore, to reject a feature, which is alleged to patentably distinguish the claim containing such feature, as being anticipated by a prior art, the Office Action must establish that the same feature is present in the prior art reference. As Haub fails to disclose each and every element as set forth in independent claims 1 and 10, these claims are not anticipated by the reference.

Applicant respectfully submits that claims 2-9 and 11-20 are also patentable at least for dependency from one of claims 1 or 10, respectively, (claims 1 and 10 believed patentable for the above-mentioned reasons), and because of an independent basis for patentability. For example, claim 9 recites that the wide mode is disabled after a predetermined duration, which is not disclosed in Haub. With regard to present claim 2, Applicant requests the Examiner to provide page and line number Haub's alleged disclosure of a 60kHz range.

Nor would any of the present claims have been obvious at the time of invention in view of Haub. Also, none of the combinations of elements, as recited in any of claims 1-20 would have been obvious at the time of invention as being within the ordinary level of skill in the art (*KSR International v. Teleflex*, 127 S. Ct. 1727, 82 USPQ2d 1385 (2007)).

For all the foregoing reasons, it is respectfully submitted that all the present claims are patentable in view of the cited reference. A Notice of Allowance is respectfully requested.

Respectfully submitted,

Aaron Waxler  
Registration No. 48,027

  
By: Steve Cha  
Attorney for Applicant  
Registration No. 44,069

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**Mail all correspondence to:**  
Aaron Waxler, Registration No. 48,027  
NXP, B.V.  
NXP Intellectual Property Department  
M/S41-SJ  
1109 McKay Drive  
San Jose, CA 95131  
Phone: (408) 434-3000  
Fax: (408) 474-9081